

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Barker et al ) Examiner: Eric Chang  
Serial No. 09/839,179 )  
Filed: April 19, 2001 ) Art Unit: 2116  
For: **POWER CONSERVATION IN** ) Confirmation No. 1524  
**COMMUNICATION SYSTEMS** )

Docket No. RAL919990168US1 (IRA-10-5853)

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**  
**(37 CFR 41.37)**

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

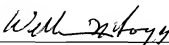
Dear Sir:

Responsive to the Patent Office Notification of Non-Compliant Appeal Brief dated May 31, 2007, Applicants are submitting a revised Section V. In a telephone conversation with Patent Appeal Center Manager Toi S. Johnson, she indicated that the only thing that needed to be filed was a new SUMMARY OF THE CLAIMED SUBJECT MATTER, which is being done with a revised title, as well as an identification of the claims covered. It is believed that the appeal brief with the revised section is now in proper form for entry and consideration.

It is not thought that any additional fees are due, the appeal fee having already been paid. However, the Commissioner is authorized to charge Deposit Account 500645 should fees be due.

Respectfully submitted,

Date: JUNE 28, 2007

  
\_\_\_\_\_  
William N. Hogg, Reg. No. 20,156  
CUSTOMER NO. 26675

## **V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

The invention enables low power modes by insuring that the data terminal equipment at both ends of the communication exchange system (5 and 51, Figure 5, page 12, line 14 and page 13, line 3) are capable and eligible to enter a low power mode. It employs a standard auto-negotiation procedure adapted to execute the low power process (Figure 4, e.g. next page facility, page 6, line 16). In the auto-negotiation method of the invention, the adapter can be powered down as well as powered up.

In accordance with the invention, data terminal equipment devices at both ends of a communication system are provided for exchanging data signals with one another as to whether each is capable of a low power mode. If both devices are capable of a low power mode, then subsequently in response to conditions of low usage selectively based on operator generated signals, time of day and/or low usage (page 1, line 14, page 8, lines 16-18), the devices exchange signals indicating eligibility. Eligibility to enter a low power mode is stored in the operator as binary bits (page 8, lines 19-20). If both devices are eligible for the low power mode, then both ends (5, 51) of the system enter a low power usage state and remain therein until signals are exchanged that permit data communication by resumption of normal power modes by both ends of the data exchange system. (Claims 1, 4 and 5)

Some integrated circuits have a capability to selectively power down certain parts when not in use, others by slowing down the clock. The manner in which power saving functions is design dependent. Some chips can be powered down completely whereas others need to maintain some level of power so as to save state information. The power conservation features are not part of the invention which is directed to determining and controlling the activation of such features. (Specification page 3, lines 10-15; claims 2 and 6-8)

Ethernet Data Terminal Equipment (DTE) can be put into a low power mode state to conserve power consumption. The following description applies to Ethernet, the most popular LAN adapter. LAN (Local Area Networks) usually comprise large numbers of DTEs so it is especially important to be able to put unused or idle equipment in power saving states, sometimes referred to as putting them to sleep.

Many networks are considered 'mission critical' and need to be available 100% of the time. This does not mean that all the components must run at full power all the time even during periods of low usage or while not required. (Specification page 3, lines 16-22, and page 4, line 1; claims 9-20)